

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAM FRIMPONG,

Plaintiff,

07 Civ. 7375 (JGK)

- against -

ORDER

1199SEIU, UNITED HEALTHCARE WORKERS
EAST,

Defendants.

JOHN G. KOELTL, District Judge:

The defendant has moved to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6), or in the alternative for summary judgment pursuant to Federal Rule of Civil Procedure 56. The defendant has presented two affidavits in support of the motion. The plaintiff has responded to the motion and has submitted an affirmation and affidavit in response to the motion.

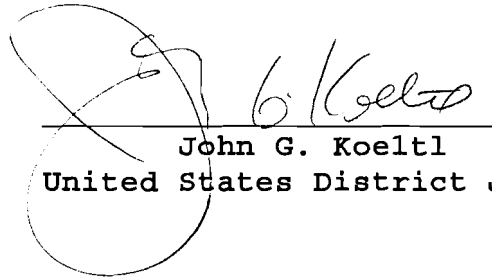
Because both sides have submitted materials outside the pleadings, the Court will consider those materials and consider the motion as a motion for summary judgment. See Federal Rule of Civil Procedure 12(d). In addition to the opportunity already presented, all parties may submit any additional materials on the pending motion by **July 7, 2008**. See id. By providing this additional opportunity, the Court is not suggesting that the parties must submit additional materials,

but the Court is providing the parties the opportunity to do so if they wish.

Oral argument on the motion is scheduled for **July 11, 2008** at 2:30 p.m.

SO ORDERED.

Dated: New York, New York
June 23, 2008



John G. Koeltl
United States District Judge